84-1484

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Office - Supreme Court, U.S.
FILED
MAR 8 1985
ALEXANDER L. STEVAS
CLERK

Civil Action No. _____

SUPREME COURT
OF THE
UNITED STATES OF AMERICA
OCTOBER TERM 1984

LOUIS V. MANGRUM PETITIONER-PLAINTIFF

vs.

CONTINENTAL CASUALTY COMPANY
DEFENDANT-RESPONDENT

RESPONSE TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Donald K. Brown, Jr.
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COUNSEL FOR DEFENDANT-RESPONDENT

This is to certify that three copies of the Response to Petition for Writ of Certiorari to the United States Court of Appeals for the Sixth Circuit have been served on the plaintiff-petitioner by mailing same to its attorney, Hon. Louis V. Mangrum, P.O. Box 2489, Mayfield, Kentucky 42066-2489, on this the 6th day of March, 1985.

Donald K. Brown, Jr.
Counsel for Defendant-Respondent

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PLAINTIFF-PETITIONER FAILS TO STATE A SUFFICIENT BASIS FOR CONSIDERING REVIEW OF THE ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ON WRIT OF CERTIORARI. 1

Rule 17 1

Pursuant to 28.1 of the U.S. Supreme Court Rules, the Continental Casualty Company is affiliated with the following corporations:

Trans-Continental Insurance Co.
American Casualty Company
National Fire Ins. Co. of Hartford
Columbia Casualty Company
Continental Assurance Co.
Valley Forge Insurance Co.
CNA Casualty of Puerto Rico
CNA Casualty of California

The parent company of the aforementioned affiliate is Loews Corporation.

PLAINTIFF-PETITIONER FAILS TO STATE A SUFFICIENT BASIS FOR CONSIDERING REVIEW OF THE ORDER OF THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT ON WRIT OF CERTIORARI.

Pursuant to Rule 17 of the United States Supreme Court Rules, there are three reasons for considering a review on Writ of Certiorari; i.e.:

1. One Federal Court of Appeals has decided a case directly in conflict with a decision from another Federal Court of Appeals;

2. There exists conflict among the State Courts or Federal Courts of Appeals regarding a federal question;

3. A State Court or lower Federal Court has decided a question of Federal Law which should be resolved by the United States Supreme Court.

No federal question is involved in the case at bar. Furthermore, by plaintiff-petitioner's own admission, no issue exists as to whether one Federal Court of Appeals has resolved a case directly in conflict with another Federal Court of Appeals.

Without attempting to rebut any arguments raised by plaintiff-petitioner on the merits of this action, plaintiff's concern appears to be in the application of "substantive law" of the State of Kentucky. This is not a sufficient basis to consider a review on writ of certiorari pursuant to United States Supreme Court Rule 17.

Based upon the foregoing and considering the petition for writ of certiorari in toto, the defendant respondent, Continental Casualty Company, respectfully requests that plaintiff's petition be denied.

Respectfully submitted,

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